

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

ABBOTT GMBH & CO., KG,)	
ABBOTT BIORESEARCH CENTER, INC.)	
AND ABBOTT BIOTECHNOLOGY LTD.,)	
)	
Plaintiffs,)	
)	
v.)	Civil Action No. 4:09-cv-11340-FDS
)	
CENTOCOR ORTHO BIOTECH, INC. AND)	
CENTOCOR BIOLOGICS, LLC.,)	
)	
Defendants.)	
)	

PLAINTIFFS' ANSWER TO COUNTERCLAIMS

Plaintiffs Abbott GmbH & Co., KG (“Abbott GmbH”), Abbott Bioresearch Center, Inc. (“ABC”) and Abbott Biotechnology Ltd. (“ABL”) (collectively, “Abbott”) hereby respond to the Counterclaims asserted by Defendants Centocor Ortho Biotech, Inc. and Centocor Biologics, LLC (collectively “Centocor”) in its Answer and Counterclaims in Response to Plaintiffs’ First Amended Complaint as follows:

PARTIES

1. Upon information and belief, admitted.
2. Upon information and belief, admitted.
3. Admitted.
4. Admitted.
5. Admitted.

JURISDICTION AND VENUE

6. The allegations contained in Paragraph 6 contain conclusions of law to which no response is required.

7. The allegations contained in Paragraph 7 contain conclusions of law to which no response is required.

8. Admitted.

9. Admitted.

10. The allegations contained in Paragraph 10 contain conclusions of law to which no response is required.

**FIRST COUNTERCLAIM
(Non-Infringement of the '128 Patent)**

11. Abbott restates and incorporates by reference its responses to the allegations contained in the preceding paragraphs as though fully set forth herein.

12. Denied.

13. Denied.

**SECOND COUNTERCLAIM
(Non-Infringement of the '485 Patent)**

14. Abbott restates and incorporates by reference its responses to the allegations contained in the preceding paragraphs as though fully set forth herein.

15. Denied.

16. Denied.

**THIRD COUNTERCLAIM
(Invalidity of the '128 Patent)**

17. Abbott restates and incorporates by reference its responses to the allegations contained in the preceding paragraphs as though fully set forth herein.

18. Denied.

19. Denied.

**FOURTH COUNTERCLAIM
(Invalidity of the '485 Patent)**

20. Abbott restates and incorporates by reference its responses to the allegations contained in the preceding paragraphs as though fully set forth herein.

21. Denied.

22. Denied.

PRAYER FOR RELIEF

WHEREFORE, Abbott respectfully requests that this Court enter an order:

- a) Dismissing Centocor's counterclaims with prejudice;
- b) Denying Centocor's request for a declaration that Centocor has not infringed and is not infringing any claim of the '128 patent, and/or that the patent and each of its claims are invalid;
- c) Denying Centocor's request for a declaration that Centocor has not infringed and is not infringing any claim of the '485 patent, and/or that the patent and each of its claims are invalid;
- d) Denying Centocor's request for a determination that this is an exceptional case under 35 U.S.C. § 285 and for an award of costs, attorney's fees and disbursements to Centocor;
- e) Granting Abbott the relief requested in its Complaint; and
- f) Awarding Abbott such further relief as this Court deems just and equitable.

DATE: August 11, 2010

By: /s/ Robert J. Gunther, Jr.
Robert J. Gunther, Jr.
Jane M. Love, Ph.D.
WILMER CUTLER PICKERING
HALE AND DORR LLP
399 Park Avenue
New York, New York 10022
Tel: (212) 230-8800
Fax: (212) 230-8888

William F. Lee (BBO #291960)
WILMER CUTLER PICKERING
HALE AND DORR LLP
60 State Street
Boston, Massachusetts 02109
Tel: (617) 526-6000
Fax: (617) 526-5000

Amy K. Wigmore
WILMER CUTLER PICKERING
HALE AND DORR LLP
1875 Pennsylvania Avenue, NW
Washington, DC 20006
Tel: (202) 663-6000
Fax: (202) 663-6363

William W. Kim, Ph.D.
WILMER CUTLER PICKERING
HALE AND DORR LLP
1117 California Avenue
Palo Alto, California 94304
Tel: (650) 858-6000
Fax: (650) 858-6100

*Attorneys for Plaintiffs and Counterclaim-
Defendants Abbott GMBH, ABC and ABL*

CERTIFICATE OF SERVICE

I certify that, on August 11, 2010, this document (filed through the ECF system) will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF).

/s/ Meaghan H. Davant